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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

LYDIA BRECK ET AL.

Application No.: 09/800,461

Filed: March 7, 2001

For: SYSTEM FOR FACILITATING
A TRANSACTION

)
:
Examiner: John M. Winter
Art Unit: 3621
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:
:
:
:
September 6, 2006

Mail Stop: Petitions

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. §1.137(a) TO
REVIVE UNAVOIDABLY ABANDONED APPLICATION**

Sir:

Applicants hereby petition the Commissioner under 37 C.F.R. §1.137(a) to restore to pending status the above-identified application, which became abandoned for failure to timely reply to a non-final Office Action dated November 17, 2005.

A Notice of Abandonment dated June 29, 2006, a copy of which is attached at Tab 1, was received by Applicants' attorneys, indicating (at box No. 1) that this application was abandoned in view of "Applicant's failure to timely file a proper reply to the Office letter mailed on 6/6/2005". However, this is incorrect. On August 7, 2005, Applicants filed an Amendment in timely response to the Office Action dated June 6, 2005, as evidenced by the copy of that Amendment attached at Tab 2, bearing a U.S.P.T.O. date

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stamp of August 29, 2005. Thus, the Notice of Abandonment is understood to have been issued for failure to timely respond to the non-final Office Action mailed November 17, 2005, which as discussed below, was never received by Applicants' attorneys.

The Office Action of November 17, 2005 was addressed to Fitzpatrick, Cella, Harper & Scinto at 30 Rockefeller Plaza (Applicants' attorneys' office). However, based on a review of the relevant file and docketing records (see Declaration of Mark Chanderdatt, attached at Tab 3), Applicants' undersigned attorney states that the Office Action of November 17, 2005 was never received by his firm, and consequently, the present application was unavoidably abandoned. Applicants' attorneys became aware of the Office Action on July 10, 2006, when the Notice of Abandonment was received and a review of the file and docketing records was undertaken. Thereafter, Applicants' attorneys retrieved a copy of the Office Action from the U.S. Patent and Trademark Office's Patent Application Information Retrieval system.

It is noted that on the copies of the master docket record and manual docket record attached to the Declaration of Mark Chanderdatt, as Exhibit A, a portion of the serial numbers and the attorney docket numbers for listings other than for the subject patent application have been redacted. Also, information regarding the attorney assigned to each case has been redacted. This has been done to prevent disclosure of confidential information irrelevant to the issues relating to the subject patent application.

In accordance with 37 C.F.R. § 1.137(a)(1), attached is an Amendment in response to the November 17, 2005 Office Action.

Pursuant to 37 C.F.R. § 1.137(a)(2), the undersigned hereby certifies that the entire delay in filing the required reply from the due date of the reply until the filing of

this grantable petition was unavoidable. Please charge the amount of \$500.00 for payment of the petition fee required under 37 C.F.R. § 1.17(l), and any additional fees required to process this Petition and the accompanying papers, to Deposit Account No. 06-1205.

In view of the foregoing, the Commissioner is respectfully requested to return the above-identified application to pending status.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,


Carl B. Wischhusen
Attorney for Applicants
Registration No. 43,279

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

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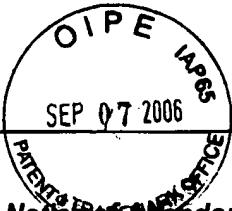
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,461	03/07/2001	Lydia Breck	40655.0700	3738
5514	7590	06/29/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			WINTER, JOHN M	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



Notice of Abandonment	Application No.	Applicant(s)
	09/800,461	BRECK ET AL.
	Examiner	Art Unit
	John M. Winter	3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on 6/6/2005.
 - (a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) No reply has been received.

2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) The issue fee and publication fee, if applicable, has not been received.

3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) No corrected drawings have been received.

4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. The reason(s) below:

*John M. Winter
PRIMARY EXAMINER*

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



100-1

Application of:

Docket No. 03292.101070

LYDIA BRECK ET AL.

Application No.: 09/800,461

Examiner: John M. Winter

Filed: March 7, 2001

TC/Group Art Unit: 3621

For: SYSTEM FOR FACILITATING A TRANSACTION

Date: August 26, 2005

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Amendment in the above-identified application.

 No additional fee is required.

The fee has been calculated as shown below

CLAIMS AS AMENDED						
	(2) CLAIMS REMAINING AFTER AMENDMENT		(4) HIGHEST NO. PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL CLAIMS	* 17	MINUS	** 56	= 0	x \$25 \$50	0
INDEP. CLAIMS	* 7	MINUS	*** 8	= 0	x \$100 \$200	0
Fee for Multiple Dependent claims \$180°/\$360						previously paid
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT---						0

* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

 Verified Statement claiming small entity status is enclosed, if not filed previously.

- A check in the amount of \$ _____ is enclosed.
- Charge \$ _____ to Deposit Account No. 06-1205. A duplicate copy of this sheet is enclosed.
- Any prior general authorization to charge an issue fee under 37 C.F.R. 1.18 to Deposit Account No. 06-1205 is hereby revoked. The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 and 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 06-1205. A duplicate copy of this paper is enclosed.
- A check in the amount of \$ _____ to cover the fee for a _____ month extension is enclosed.
- A check in the amount of \$ _____ to cover the Information Disclosure Statement fee is enclosed.
- Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



Lock See Yu-Jahnes
Attorney for Applicants
Registration No. 38,667

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

Form #120

NY_MAIN 513707v1



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
LYDIA BRECK ET AL.) : Examiner: John M. Winter
Application No.: 09/800,461) : TC/Art Unit: 3621
Filed: March 7, 2001) :
For: SYSTEM FOR FACILITATING)
A TRANSACTION : August 26, 2005

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Sir:

In response to the Office Action dated June 6, 2005, the Examiner is respectfully
requested to amend the above-identified application as follows:

- Amendments to the claims are presented in the listing starting on page 2; and
- Remarks are presented starting on page 12.

In the Claims

Please cancel Claims 18, 19, 51, and 55, without prejudice or disclaimer of subject matter.

Please amend Claims 22, 24, 25, 31-33, 36, 38, 40, 41, 43-45, and 56 and add new Claim 57, as indicated below. The following is a complete listing of claims and replaces all prior versions and listings of claims in the present application:

Claims 1-21 (canceled)

Claim 22 (currently amended): A computer-implemented method for facilitating a transaction, comprising the steps of:

identifying, via a host computer, ~~at least one~~ a primary account;

generating, via [[said]] the host computer, a secondary transaction number that is configured to facilitate a transaction;

associating, via [[said]] the host computer, the secondary transaction number with ~~said~~ ~~least~~ ~~one~~ the primary account;

issuing the secondary transaction number to a first party to facilitate [[a]] the transaction with a second party, wherein the secondary transaction number is configured to be immediately usable for facilitating the transaction with the second party;

receiving transaction information from [[a]] the second party for authorization;

forwarding, via [[said]] the host computer, the transaction information to a card authorization system for authorization processing;

processing the transaction information with the card authorization system, wherein the card authorization system determines whether the transaction information includes the secondary transaction number and, when the secondary transaction number is included in the transaction information, interfaces with a secondary transaction number system to determine [[if]] whether authorization is appropriate[[:]], wherein authorization determination includes:

recognizing, via said host computer, that the transaction information comprises a secondary transaction number;

retrieving account information that is associated with the secondary transaction number; and

determining, via said host computer, if conditions of use associated with the primary account are satisfied, wherein the conditions-of-use parameters associated with the primary account include at least an expiration date;

determining, via said host computer, if conditions of use whether conditions-of-use parameters associated with the secondary transaction number are satisfied; and

returning, via [[said]] the host computer, an appropriate approval code to the second party, if conditions-of-use when the conditions-of-use parameters associated with the secondary transaction number and the primary account are satisfied; and,

~~declining, via said host computer, the authorization request when at least one of the conditions associated with the primary account and the secondary transaction number are not satisfied.~~

Claim 23 (canceled)

Claim 24 (currently amended): A method for facilitating a transaction, comprising the steps of:

identifying ~~at least one~~ a primary account;

generating a secondary transaction number that is configured to facilitate a transaction;

associating the secondary transaction number with ~~said~~ ~~at least one~~ the primary account;

issuing the secondary transaction number to a first party to facilitate a transaction with a second party, wherein the secondary transaction number is configured to be immediately usable for facilitating the transaction;

receiving transaction settlement information from [[a]] the second party, wherein the corresponding to a transaction [[was]] facilitated using a secondary by a transaction number;

~~identifying the transaction settlement information as a transaction involving a secondary transaction number; and verifying that the secondary transaction number is a valid~~ the secondary transaction number;

capturing the transaction settlement information in a financial capture system; and
causing the second party to be paid;
identifying the primary account that is associated with the secondary transaction
number;
replacing the secondary transaction number with the primary account number;
processing the transaction settlement information in an accounts receivable
system; and
generating a billing statement for the primary account that includes at least the
primary account number a charge for the transaction facilitated by the secondary transaction
number.

Claim 25 (currently amended): The method of claim 24, further comprising the
[[steps]] step of comparing the transaction settlement information with conditions-of-use
conditions-of-use parameters associated with the secondary transaction number to determine
[[if]] whether the conditions-of-use conditions-of-use parameters have been satisfied.

Claims 26-30 (canceled)

Claim 31 (currently amended): A method of processing authorization and
settlement requests in a transaction system, comprising the steps of:

receiving an authorization request from a second party, where the authorization request involves a secondary transaction number with limited-use conditions associated therewith;

routing the authorization request to a card authorization system to determine if limited-use whether the limited-use conditions have been satisfied;

returning to the second party a message declining authorization if the conditions ~~have not been satisfied~~; and

~~returning to the second party a message approving authorization request if based on whether the limited-use~~ conditions have been satisfied.

Claim 32 (currently amended): The method of claim 31, further comprising the step of receiving from the second party a settlement request for payment of a transaction involving a secondary transaction number[[;]], wherein the second party is paid [[if]] when the transaction number corresponds to the secondary transaction number is valid.

Claim 33 (currently amended): A method of claim 32, further comprising the steps of:

routing the ~~second party~~ settlement request for payment to a financial capture system[[.]];

creating an accounts payable file and routing the accounts payable file to an accounts payable system for payment processing; and

creating an accounts receivable file and routing the accounts receivable file to a service that retrieves ~~the associated~~ a primary account number [[and]] associated with the secondary transaction number, replaces the secondary transaction number with the primary account number, and forwards the resulting accounts receivable file to an accounts receivable system to generate ~~the first party~~ a billing statement.

Claims 34 and 35 (canceled)

Claim 36 (currently amended): A host computer system for facilitating transactions, comprising:

a user interface system configured to allow a first party to interact with a host computer's transaction services computer;

a number generating and processing mechanism, including at least one application server and at least one database, configured for receiving input from the user interface system to generate a secondary transaction number and to associate therewith a designated primary account; and[[,]]

a settlement processing mechanism including at least a financial capture system configured for capturing transaction information relating to use of secondary transaction numbers, an accounts receivable system for billing the first party, and an accounts payable system for paying [[the]] a second party.

Claim 37 (canceled)

Claim 38 (currently amended): A method for facilitating a transaction,
comprising the steps of:

~~registering providing an interface that enables a first party to register with a card provider system to use a transaction system;~~

~~logging in to the card provider's transaction system by providing obtaining authenticating information[[,]] from the first party and causing the card provider system to verify that [[a]] the first party is a registered and authorized user based on the authenticating information;~~

~~designating at least one transaction account as at least one primary account; requesting receiving a request for a secondary transaction number from the card provider, first party and causing the card provider system to generate a secondary transaction number and to associate the secondary transaction number with the previously selected said at least one primary account; and[[,]]~~

~~receiving providing the secondary transaction number from the card provider to the first party.~~

Claim 39 (original): The method of claim 38, further comprising the step of providing the secondary transaction number to a second party to facilitate a transaction.

Claim 40 (currently amended): The method of claim 38, further comprising the step of selecting ~~conditions-of-use~~ conditions-of-use parameters to be associated with the secondary transaction number.

Claim 41 (currently amended): The method of claim 38, further comprising the step of defining ~~conditions-of-use~~ conditions-of-use parameters to be associated with the secondary transaction number.

Claim 42 (original): The method of claim 38, wherein the steps occur online.

Claim 43 (currently amended): The method of claim 38, wherein ~~said at least one~~ the primary account is a non-currency based account.

Claim 44 (currently amended): The method of claim 38, wherein ~~said at least one~~ the primary account is associated with an electronic ~~line-of-credit~~ line-of-credit system.

Claim 45 (currently amended): The method of claim 39, further comprising the step of ~~disputing receiving a dispute of a charge for [[a]] the~~ transaction involving [[a]] ~~the~~ secondary transaction number[[,]] and causing ~~the card provider to charge back the charge to be charged back to the second party.~~

Claims 46-55 (canceled)

Claim 56 (currently amended): A computer-implemented method for facilitating a transaction, comprising the steps of:

receiving a primary account number from a first party to initiate a transaction;

sending the primary account number, via a host computer, to a card provider[[],]

requesting to request that the card provider generate and return a secondary transaction number that is associated with the primary account number;

receiving from the card provider, via [[said]] the host computer, the secondary transaction number associated with the primary account number, wherein the secondary transaction number is then used to facilitate a transaction settlement of the transaction; and[[],]
purging, via [[said]] the host computer, the primary account number from the second party's records relating to a second party and replacing the primary account number with the associated secondary transaction number.

Claim 57 (new): A computer-implemented method for facilitating a transaction, comprising the steps of:

a host computer receiving transaction information from a second party for requesting authorization of a charge made by a first party for a transaction;

the host computer forwarding the transaction information to a card authorization system for authorization processing;

the card authorization system determining whether the transaction information includes a secondary transaction number for facilitating the transaction and, when the secondary transaction number is included in the transaction information,

identifying a primary account of the first party based on the secondary transaction number, and

determining whether authorization is appropriate based on conditions-of-use parameters associated with the secondary transaction number;

the card authorization system transmitting an approval code to the host computer, when the conditions-of-use parameters are satisfied;

the host computer, upon receipt of the approval code, notifying the second party and causing the charge to be billed to the primary account of the first party; and

the card authorization system maintaining an active status of the secondary transaction number after the secondary transaction number has been used to facilitate the transaction.

REMARKS

This application has been reviewed in light of the Office Action dated June 6, 2005. Claims 22, 24, 25, 31-33, 36, 38-45, 56, and 57 are presented for examination, of which Claims 22, 24, 31, 36, 38, 56, and 57 are in independent form. Claims 18, 19, 51, and 55 have been cancelled, without prejudice or disclaimer of the subject matter presented therein, and new Claim 57 has been added to provide Applicants with a more complete scope of protection. No new matter has been introduced to the disclosure of this application by the present Amendment. Favorable reconsideration is requested.

Information Disclosure Statements

Information Disclosure Statements (IDSs) and a corresponding PTO-1449 forms were submitted on March 7, 2001, and March 18, 2003, as evidenced by information available from the PAIR system for the 2001 IDS and the returned receipt postcard bearing the stamp of the U.S. Patent and Trademark Office for the 2003 IDS, a copy of which is attached. For the Examiner's convenience, copies of the 2001 and 2003 IDSs also are attached. Applicants respectfully request the Examiner to return an initialed copy of the PTO-1449 forms, indicating that the references listed thereon have been considered and made of record in the present application.

Allowable Subject Matter

Applicants acknowledge with appreciation the indication that Claims 22, 24, 25, 31-33, 36, 38-45, and 56 have been allowed. Claims 22, 24, 25, 31-33, 36, 38, 40, 41, 43-45, and 56 have been amended as to formal matters and to more clearly define Applicants' invention in

the broadest terms permissible without affecting their allowability. No new matter has been introduced by these amendments. It is respectfully submitted that the amended claims remain allowable over the references of record.

Rejections Under 35 U.S.C. § 103

The Office Action states that Claims 18, 19, 51, and 55 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,163,771 to Walker *et al.* (Walker) in view of U.S. Patent No. 5,883,810 to Franklin *et al.* (Franklin) and further in view of U.S. Patent Application Publication No. 2003/0028481 of Flitcroft *et al.* (Flitcroft). These claims have been canceled, thus rendering the rejections moot.

New Claim 57

New Claim 57 is submitted to be patentable over any permissible combination of Walker, Franklin, and Flitcroft for at least the reason that Walker is understood to teach away from the feature of "the card authorization system maintaining an active status of the secondary transaction number after the secondary transaction number has been used to facilitate the transaction," as recited in Claim 57.

Instead, Walker states that if a credit card number has already been used, "the number is no longer valid, and the transaction is aborted." (See, for example, reference numerals 1106 and 1107 in Fig. 11A and reference numeral 1124 in Fig. 11B of Walker, and the corresponding discussions at column 12, lines 33-37 and 43-45.)

Similarly, Franklin is understood to teach away from this feature of Claim 57 by stating that "the [transaction] number is only a proxy number for a single purchase. . . . [I]t

cannot be repeated used for other purchases or transactions." (See column 12, lines 10-15, of Franklin.)

Likewise, Flitcroft is understood to teach away from this feature of Claim 57 by stating that "[o]nce authorized, the limited use number is invalidated deactivated [sic] so as to ensure that further authorization/charges cannot be made to that number." (See paragraph [0176] of Flitcroft.) Flitcroft further states that "the central card processing software invalidates the card" when the number of transactions permitted for a limited use card is reached. (See paragraph [0177] of Flitcroft.)

The feature of new Claim 57 discussed above is beneficial in situations in which a cardholder has a subscription purchase that is charged periodically (i.e., monthly, quarterly, etc.). This feature allows a secondary transaction number to be used for the periodic subsequent transactions after the initial transaction, without the subsequent transactions being rejected or aborted due to deactivation of the secondary transaction number. A further discussion of this feature may be found in the specification at, for example, page 4, line 21, to page 5, line 23; page 6, lines 20-27; and page 33, line 7 *et seq.* Such a feature is not found in Walker, Franklin, or Flitcroft.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and an early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for this Amendment. If, however, such a petition is required to make this Amendment

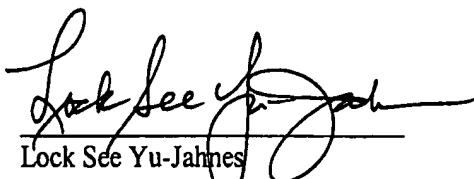
Application No. 09/800,461

timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 06-1205.

CONCLUSION

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



Lock See Yu-Jahnes
Attorney for Applicants
Registration No. 38,667

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

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